EXHIBIT 9

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

ART UNIT: 2478 EXAMINER: Kodzovi Acolatse FIRST NAMED INVENTOR: Clay Perreault SERIAL NO.: 15/942,282 FILED: 3/30/2018 CONF. NO.: 2064 FOR: PRODUCING ROUTING MESSAGES FOR VOICE OVER IP COMMUNICATIONS DOCKET NO.: 4278-001.PCT.US.CON11	**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8** DATE OF DEPOSIT: October 17, 2018 I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being submitted on the date indicated above via: ☒ EFS Web ☐ facsimile to _____ ☐ the United States Postal Service with sufficient postage as first class mail addressed to: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. /Sean F. Parmenter/ Sean F. Parmenter

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AMENDMENT / RESPONSE

Commissioner for Patents
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Dear Sir:

In response to the Office Action, mailed July 17, 2018, Applicant offers the following Amendment and requests reconsideration of the above-captioned application.

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS

1. (Currently Amended) A method for routing communications in a packet switched communication system between a first participant device associated with a first participant and a second participant device associated with a second participant, the first and second participant devices being associated with first and second network elements of the communication system, respectively, the method comprising:

receiving, by at least one processor, a second participant identifier associated with the second participant device, in response to initiation of a communication from the first participant device to the second participant device, the first participant device being associated with a first participant identifier;

causing the at least one processor to access at least one memory storing a first participant profile identifying at least one first participant attribute;

processing the second participant identifier and the at least one first participant attribute, using the at least one processor, to produce a new second participant identifier based on at least one match between the second participant identifier and the at least one first participant attribute;

processing the new second participant identifier, using the at least one processor, to determine whether the second network element is the same as the first network element;

when the second network element is determined to be the same as the first network element, producing a routing message identifying a first network address associated with the first network element, using the at least one processor; and

when the second network element is determined not to be the same as the first network element, producing a routing message identifying a second network address associated with the second network element, using the at least one processor;

wherein the packet switched communication system attempts to establish the communication from the first participant device to the second participant device based on at least one network address identified in the routing message.

2. (Original) The method of claim 1 wherein processing the new second participant identifier comprises comparing at least a portion of the second participant identifier with an identifier associated with the first network element.

3. (Original) The method of claim 1 further comprising processing a user-specific attribute associated with the first participant profile, using the at least one processor, to determine whether the communication is allowed to proceed.

4. (Currently Amended) The method of claim 1 further comprising:

causing the at least one processor to access a database to locate communication forwarding information associated with the second participant; and

processing the communication forwarding information, using the at least one processor, to determine whether the forwarding information identifies a communication device associated with a node that is ~~the same as~~associated with the first network element.

5. (Currently Amended) The method of claim 4 wherein the communication forwarding information associated with the second participant comprises a plurality of communication destination identifiers, and wherein the method further comprises causing the communication system to attempt to forward the communication to a plurality of communication destinations corresponding to the plurality of communication destination identifiers.

6. (Original) The method of claim 1, further comprising:

in response to initiation of a further communication from a third participant device to the second participant device, receiving a third participant identifier and the second participant identifier;

causing the at least one processor to access a database to locate communication blocking information associated with the second participant; and

blocking the further communication when the communication blocking information identifies the third participant identifier.

7. (Original) The method of claim 4, wherein processing the second participant identifier further comprises:

causing the at least one processor to access a database to locate communication blocking information associated with the second participant.

8. (Currently Amended) The method of claim 1 further comprising:

(a) updating a database to cause at least one user-specific first participant attribute to be modified,

(b) wherein the second participant identifier identifies a device ~~on the~~ in communication with a public switched telephone network (PSTN),

(c) wherein the communication comprises a video or audio call,

(d) wherein the packet switched communication system, including the first and second network elements, form a private network operably configured to provide communication services to subscribers thereof, and

(e) wherein the at least one network element of the communication system comprises a call controller operable to establish the voice call to the second participant device in response to the routing message.

9. (Original) The method of claim 1 wherein processing the new second participant identifier comprises determining whether a location associated with the first participant device is the same as a location associated with the new second participant identifier.

10. (Original) The method of claim 9 wherein the new second participant identifier is associated with a second participant profile identifying a domain name or IP address of a communication system node comprising the second network element.

11. (Currently Amended) The method of claim 1 wherein processing the second participant identifier comprises locating the new second participant identifier in a database based on the second participant identifier, and causing the packet switched communication system to establish the communication to the second participant device based on the new second participant identifier.

12. (Currently Amended) The method of claim 1 further comprising locating the second network address associated with the second network element in a database based on the second participant identifier, and causing the packet switched communication system to establish the communication to the second participant device based on the second network address.

13. (Original) The method of claim 1 wherein processing the second participant identifier comprises modifying the second participant identifier based on the first participant profile.

14. (Currently Amended) The method of claim 1, wherein the packet switched ~~network~~ communication system is controlled by a system operator, the method further comprising:

receiving a third participant identifier associated with a third participant device, wherein the third participant device is not associated with either the first network element or the second network element; and

producing a routing message identifying a gateway to an external communication system that is not controlled by the system operator, using the at least one processor, to cause [[the]]a further communication to be established to the third participant device.

15. (Original) The method of claim 14 wherein at least a portion of the external communication system is a circuit switched communication system.

16. (Original) The method of claim 14 wherein the packet switched communication system is connected to a plurality of gateways to the external communication system, the method further comprising:

using the at least one processor to select the gateway from among the plurality of gateways.

17. (Currently Amended) The method of claim 1 further comprising:

receiving communication forwarding information associated with the second participant, the communication forwarding information comprising a plurality of communication destination identifiers;

processing one or more of the communication destination identifiers, using the at least one processor, to attempt to establish the communication with the second participant device until the communication is established or all communication destination identifiers have been exhausted.

18. (Original) The method of claim 1 further comprising, if the communication cannot be established to the second participant device, causing communication to be routed to a server operable to store the communication and facilitate delivery of the communication to the second participant device at a later time.

19. (Currently Amended) A method for routing communications in an Internet Protocol (IP) based communication system between a first participant device associated with a first participant and a second participant device associated with a second participant, the first and second participant devices being associated with first and second network elements of the communication system, respectively, first and second network elements being operably configured to provide communication services to users associated with first and second geographical areas, respectively, the method comprising:

receiving, by at least one processor, a second participant identifier associated with the second participant device, in response to the first participant device initiating a communication to the second participant device, the first participant device being associated with a first participant identifier;

causing the at least one processor to access at least one memory storing a first participant profile identifying at least one first participant attribute;

~~processing the second participant identifier and the at least one first participant attribute, using the at least one processor, to~~ produc[[e]]ing a new second participant identifier based on determining at least one match of the at least one first participant attribute and at least a portion of the second participant identifier, using the at least one processor;

processing the new second participant identifier, using the at least one processor, to determine whether the second network element is the same as the first network element;

when the second network element is determined to be the same as the first network element, producing a routing message identifying a first network address associated with the first network element, using the at least one processor; and

when the second network element is determined not to be the same as the first network element, producing a routing message identifying a second network address associated with the second network element, using the at least one processor;

wherein at least one network node is provided in geographical proximity to at least one of the first and second network elements to provide load sharing of the communication services provided to users associated with at least one of the first and second geographical areas, the at least one network node providing the load sharing to the at least one of the first and second network elements, to establish the communication to the second participant device in response to the routing message.

20. (Currently Amended) The method of claim 19 wherein the communication system comprises at least one database for storing user profiles including the first participant profile, each user profile identifying a respective address associated with a network element at which the respective user of the communication system is registered to access communication services.

21. (Currently Amended) An apparatus for routing communications in an Internet Protocol (IP) based communication system between a first participant device associated with a first participant and a second participant device associated with a second participant, the communication system comprising a plurality of network elements, the first participant device being associated with a first network element and the second participant device being associated with a second network element of the communication system, the apparatus comprising:

a controller comprising at least one processor in communication with at least one memory storing processor readable instructions, the at least one processor being operably configured by the processor readable instructions to:

in response to initiation of a communication to the second participant device, receive a second participant identifier;

access at least one first participant profile in the at least one memory to locate at least one first participant attribute associated with the first participant;

process the second participant identifier and the at least one first participant attribute to determine at least one match between the second participant identifier and the at least one first participant attribute~~produce a new second participant identifier~~;

~~process the new second participant identifier to~~ determine whether the second network element is the same as the first network element based at least in part on the at least one match;

when the second network element is determined to be the same as the first network element, produce a routing message identifying a first Internet Protocol (IP) network address associated with the first network element; and

when the second network element is determined to be not the same as the first network element, produce a routing message identifying a second Internet Protocol (IP) network address associated with the second network element; and

causing the communication to be established to a destination communication device using one of the first network element and the second network element based on the routing message.

22. (Original) The apparatus of claim 21, wherein the at least one processor is further operably configured to:

in response to initiation of a further communication to a third participant device, receive a third participant identifier associated with the third participant device;

access at least one database to locate at least one of: (i) blocking information associated with the third participant device; and (ii) forwarding information associated with the third participant device;

determine whether the further communication should be blocked from being established to the third participant device based on the communication blocking information; and

determine whether the communication should be forwarded to at least one other communication device based on the forwarding information associated with the third participant device.

23. (Original) The apparatus of claim 21 wherein the at least one processor is further operably configured to cause the communication to be established to the destination communication device:

(a) using the first IP network address, if the second network element is determined to be the same as the first network element; and

(b) using the second IP network address, if the second network element is determined to be not the same as the first network element.

24. (Original) The apparatus of claim 21,

(a) wherein the communication system comprises a plurality of nodes including at least a first communication node and a second communication node in communication with each other, the first and second communication nodes comprising the first and second network elements, respectively;

(b) wherein the first and second communication nodes are operably configured to provide communications services to communication devices associated with first and second geographical areas, respectively; and

(c) wherein at least one communication node is provided in geographical proximity to at least one of the first and second communication nodes to provide load sharing of the communication services provided by the at least one of the first and second communication nodes.

25. (Original) The apparatus of claim 21, wherein the at least one processor is further operably configured to:

(a) process an attribute associated with the first participant profile to determine whether the communication is allowed to proceed; and

(b) if the communication is allowed to proceed, cause at least one attribute associated with the first participant profile to be modified.

26. (Original) The apparatus of claim 21, wherein the at least one processor is further operably configured to cause a routing message identifying a gateway to a public network to be produced, to cause at least one communication to be routed through the gateway over the public network.

27. (Original) The apparatus of claim 21, wherein the at least one processor is further operably configured to determine a network element with which the second participant device is associated based on a geographical area associated with the second participant identifier and to identify the network element with which the second participant device is associated in the routing message.

28. (Original) The apparatus of claim 21 wherein the at least one processor is further operably configured to:

(a) in response to initiation of a further communication to a third participant device, receive a third participant identifier associated with the third participant device; and

(b) cause a query to be sent to a plurality of gateways to determine whether at least one gateway from the plurality of gateways is available to carry the further communication to the third participant device.

29. (Original) The apparatus of claim 21 wherein the at least one processor is further operably configured to cause a message to be sent through at least one Internet-connected server to an IP address of the second participant device.

30. (Original) A non-transitory computer readable medium storing instructions for directing the at least one processor to execute the method of claim 1.

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed July 17, 2018.

By the present paper, claims 1, 4, 5, 8, 11, 12, 14, 17, 19-21 are amended. Thus, claims 1-30 remain pending, and favorable consideration thereof is respectfully requested. Claims 1, 19, and 21 are the independent claims.

Interview Summary

Applicant thanks the Examiner for the interview on September 19, 2018 and the Examiner's interview summary of September 25, 2018, which Applicant acknowledges accurately reflects the agreement reached at the interview.

35 U.S.C. 102 Rejection Based on Turner

In the interview, Applicant respectfully submitted that the portions of Turner cited by the Office Action in rejecting each independent claim, did not show the identical invention in as complete detail as is contained in the claims with the elements arranged as required by the claims. (M.P.E.P. § 2131).

In particular, the Office Action on page 6 cited an example of user "A" calling user "B" (citing Figs. 1 and 4A, and paras. [0049]-[0051] of Turner) and then asserts that Turner anticipates the claim element of "processing the second participant identifier and the at least one first participant attribute, using the at least one processor, to produce a new second participant identifier (Fig. 2B and 3, [0040]-[0043], performing translation between CA and NA)." However, the cited example from Turner doesn't disclose, e.g., "processing the second participant identifier and the at least one first participant attribute, using the at least one processor, to produce a new second participant identifier," as recited in claim 1.

Turner discloses in FIG. 4A and para. [0049] that "[a] query is launched to the Directory Server per step 162, which performs a dual translation per steps 168, 170, converting the CA to an NA and vice versa." As can be seen from FIG. 3 and paras. [0041]-[0043], the customer

address (CA) 118 of the called party alone is sufficient to lookup the user profile object 104 of the called party and the called party's current network address (NA) 122. See, e.g., para. [0041] ("CA" has "special significance because of its role as a search key in translations between network addresses and user profiles"). Thus, if user "A" dials "2002" to call user "B" (see para. [0049]), the Directory Server can perform CA-to-NA translation by using the dialed CA alone (i.e., CA=2002) as a search key to identify the user profile corresponding to user "B", which, in turn, contains the current network address (NA) for user "B" (namely, NA=303-555-2002: see para. [0050]). See also paras. [0041]-[0043] and Figs. 3 and 4A.

Applicant thanks the Examiner for the acknowledgement that the cited portion of Turner does not explicitly anticipate the claimed invention, for example, "processing the second participant identifier and the at least one first participant attribute... to produce a new second participant identifier," as recited in claim 1.

While it is unnecessary to amend the claims to distinguish over the cited portions of Turner, Applicant has made minor amendments to improve the claims and expedite allowance thereof. Applicant respectfully submits that the specific combination of elements recited in the amended claims, including amended claims 1, 19, and 21, are also neither disclosed nor suggested by the cited art.

Co-Pending Application of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending U.S. applications:

Docket No.	**Serial No.**	**Title**
4278-001.PCT.US.CON5	14/853705	DETERMINING A TIME TO PERMIT A COMMUNICATIONS SESSION TO BE CONDUCTED
4278-002.PCT.US.CON4	15/861572	INTERCEPTING VOICE OVER IP COMMUNICATIONS AND OTHER DATA COMMUNICATIONS
4278-003.PCT.US.CON2	15/421,058	EMERGENCY ASSISTANCE CALLING FOR VOICE OVER IP COMMUNICATIONS SYSTEMS
4278-004.PCT.US.CON1	14/035,806	MOBILE GATEWAY
4278-005.PCT.US.CON3	16/030761	UNINTERRUPTED TRANSMISSION OF INTERNET PROTOCOL TRANSMISSIONS DURING ENDPOINT CHANGES

Information Disclosure Statement

Applicant respectfully submits that any prior art or other material information previously considered in any related patent applications or patents may need to be re-visited in view of the different claim scope herein. Applicant is **submitting herewith** an updated information disclosure statement (IDS) and respectfully requests consideration of the references or information cited therein.

The enclosed Information Disclosure Statement (IDS) listing, equivalent to a PTO/SB/08 form, provides a consolidated version of the IDS submissions reviewed by the Examiner in the parent case, namely U.S. Patent App. No. 15/730600, issued on April 3, 2018 as U.S. Patent No. 9,935,872, as augmented by additional references and documents that have come to the Applicant's attention since then.

In particular, the enclosed IDS listings includes the IDS submissions in the parent application filed by the Applicant (e.g., on November 10, 2017, December 1, 2017, December 29, 2017, January 29, 2018, and February 1, 2018), or cited or reviewed by the Examiner (e.g., on December 11, 2017, January 30, 2018, and February 16, 2018), albeit the patent references have been sorted to be in numerical order.

While Applicant has already requested that the Examiner reconsider the claims in view of the art considered on the parent, Applicant also respectfully requests that the enclosed IDS listings be initialed by the Examiner to confirm that such a review was done. For the Examiner's convenience, Applicant notes that at least the following items were not included in the IDS submissions for the parent case (App. No. 15/730600):

Item	Document Number	Pub. Date	Name(s)
82	6,192,123 B1	02-20-2001	Grunsted et al.
88	6,292,547 B1	09-18-2001	Katz
114	6,772,210 B1	08-03-2004	Edholm
135	7,047,561 B1	05-16-2006	Lee, Michael
150	7,346,156 B1	03-18-2008	Choupak et al.
231	8,306,021 B2	11-06-2012	Lawson et al.
268	8,738,051 B2	05-27-2014	Nowack et al.
271	8,755,376 B2	06-17-2014	Lawson et al.
286	8,837,465 B2	09-16-2014	Lawson et al.

310	9,935,872 B2	04-03-2018	Perreault et al.
311	9,948,549 B2	04-17-2018	Perreault et al.
312	9,998,363 B2	06-12-2018	Björsell et al.
313	10,021,729 B2	07-10-2018	Huttunen et al.
314	10,038,779 B2	07-31-2018	Björsell et al.
331	2003/0114145 A1	06-19-2003	Boda et al.
569	CA 2,732,148 C	06-05-2018	VoIP-Pal.com, Inc.
572	CA 2,812,174 C	05-15-2018	VoIP-Pal.com, Inc.
662	WO 2004/008786 A1	01-22-2004	Nokia Corporation

In addition, the following non-patent literature documents item numbers are newly added:

items **749-751** (Canadian patent prosecution documents, as listed);

items **768-769** (European patent prosecution documents, as listed); and

items **1119-1141** (various litigation documents, as listed on the IDS form).

CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1-30 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Sean Parmenter at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

To the extent any amendments, characterizations, or other assertions previously made (in this or in any related patent applications or patents, including any parent, sibling, or child) with respect to any art could be construed as a disclaimer of any subject matter supported by the present disclosure of this application, Applicant hereby rescinds and retracts such disclaimer.

It is respectfully submitted that the present application should be in condition for allowance once the claims and corresponding IDS have been reviewed by the Examiner. Should the Examiner have any concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 17 day of October, 2018.

Respectfully submitted,

/Sean F. Parmenter/

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